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PATENT Jfw

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: ALBERT MODL

SERIAL NO.: 10/030,163

FILED: April 25, 2002

FOR: METHOD, DEVICE AND SYSTEM FOR  
BIOMETRICALLY AUTHENTICATING



GROUP ART UNIT: 2876

EXAMINER: Daniel St. Cyr

ATTY. REFERENCE: MODL3002/JEK/JJC

**COMMISSIONER FOR PATENTS**

**P.O. BOX 1450**

**Alexandria, VA 22313-1450**

Sir:

The below identified communication(s) or document(s) is(are) submitted in the above application or proceeding:

- |  |  |
|--|--|
| <input type="checkbox"/> Declaration                 | <input type="checkbox"/> Issue Fee Transmittal   |
| <input type="checkbox"/> Priority Document           | <input checked="" type="checkbox"/> Check in the Amount of <u>\$ 180.00</u>  |
| <input type="checkbox"/> Formal Drawings             | <input type="checkbox"/> Assignment, including cover sheet and fee of \$   |
| <input type="checkbox"/> Small Entity Declaration(s) | <input checked="" type="checkbox"/> Information Disclosure Statement; PTO-1449 form and a copy of the cited references |

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Customer 23364  
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DATE: May 26, 2004

*Respectfully submitted,*

A handwritten signature in black ink, appearing to read "Justin J. Cassell".

**JUSTIN J. CASSELL**

*Attorney for Applicant*

Registration Number: 46,205



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**Inventor:** ALBERT MODL

**Examiner:** Daniel St. Cyr

**Application No.:** 10/030,163

**Art Unit:** 2876

**Confirmation No.:** 4360

**Filed:** April 25, 2002

**Attorney No.:** MODL3002/JEK/JJC

**Customer No.:** 23364

**For:** METHOD, DEVICE AND SYSTEM FOR BIOMETRICALLY  
AUTHENTICATING A PERSON

**INFORMATION DISCLOSURE STATEMENT**

Commissioner For Patents  
Washington, D.C. 20231

Sir:

Pursuant to Rule 37 C.F.R. §1.51(b), §1.56, §1.97, and §1.98, this Information Disclosure Statement is submitted in the above-identified patent application. A listing of documents to be published on the face of any patent granted from this application is submitted herewith on Form PTO-1449. Any other documents or information submitted for consideration by the Examiner are listed in this paper. A copy of each U.S. and foreign patent, or each publication or portion thereof listed or herein identified is submitted herewith, except that (1) a copy of any U.S. patent application identified herein or any patent, publication or other information listed herein cited or submitted in a prior application relied upon for an earlier filing date under 35 U.S.C. §120 and identified below, is not submitted herewith, and (2) a copy of any U.S. patent or published patent application identified herein is not submitted herewith, if this application was filed or entered the U.S. national stage on or after June 30, 2003 (or if applicable, this international application entered the U.S. national stage on or after June 30, 2003).

Application No.: 10/030,163  
Examiner: Daniel St. Cyr  
Art Unit: 2876

### Statement of Timeliness

This Information Disclosure Statement is submitted after three months from (i) the filing date of the above-identified U.S. National Patent application, or (ii) after three months from entry into the U.S. National Stage of the above-identified International Application, or (iii) the date of entry into the U.S. National Stage of the International Application that has been assigned the above-identified U.S. Patent application number, whichever applies; and after the mailing date of the first Office Action on the merits of the above-identified application, but prior to issuance of any Final Action, Notice of Allowance, or Action closing prosecution sent in such application. The fee required under 37 C.F.R. § 1.97(c) and § 1.17(p) is submitted herewith.

It will be noted that a Request for Continued Examination was filed thereby removing the finality of the Office Action of August 12, 2003. This Information Disclosure Statement is being filed after receipt of the Office Action of February 23, 2004 received after the Request for Continued Examination was filed. The Office Action of February 23, 2004 included a non-final rejection of the claims of the present application.

The Examiner is requested to acknowledge consideration of the information provided in this paper in accordance with prescribed procedures.

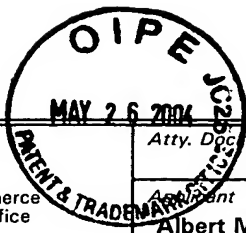
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Respectfully submitted,

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Attorney for Applicants  
Registration No. 46,205



B/O Form PTO-1449  U.S. Department of Commerce Patent and Trademark Office  Information Disclosure Statement by Applicant	Atty. Doctet Number <b>MODL3002/JEK/JJC</b>	Serial Number <b>10/030,163</b>
	Applicant <b>Albert MODL et al.</b>	
	Filing Date <b>January 30, 2002</b>	Group <b>2876</b>

## U.S. Patent Documents

Examiner Initial	Document Number	Date	Patentee/Applicant	Class	Subclass	Filing Date if Appropriate
	5,876,926	Mar. 1999	Beecham			

## Foreign Patent Documents

Examiner Initial	Document Number	Publication Date	Country/Agency	Class	Subclass	Translation	
						Yes	No
	0 924 655	June 2003	EPO				X

## Other Documents (Including Author, Title, Date, Pertinent Pages, Place of Publication, Etc.)


Examiner	Date Considered
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EXAMINER: Initial if citation is considered, whether or not citation is in conformance with MPEP 609; Draw a line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.